

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>KIN-ARK CORPORATION, a Delaware corporation</p> <p>vs</p> <p>W. M. PAT BOYLES, WALTER M. BOYLES, LARRY L. BOYLES, SANDRA J. BOYLES, G. HAROLD BROWN, SPROESSER WYNN, MARCUS GINSBERG, GEORGE F. CHRISTIE, ERNEST E. SANDERS, J. OLCOTT PHILLIPS, ROBERT D. MADDOX, ROBERT S. NEWKIRK, STANFORD HARRELL, ATWOOD McDONALD, and FRED A. SANDERS</p>	<p>For plaintiff: <i>583-1115</i> Thomas R. Brett <i>Edwards</i> 1700 Fourth National Bank Bldg. Tulsa, Okla. 74119 201 West 5th, Suite 400 Tulsa, Ok. 74103</p> <p>Andrew Barr, Nathan L. Hecht, John Estes Locke, Purnell, Boren, Laney & Neely 3600 Republic Natl. Bank Tower Dallas, Texas 75201</p> <p>For defendant: <i>Mike Lewis</i> Dickson M. Saunders, Wm. B. Morgan and Wm. H. Hinkle (all defs.) 1200 Atlas Life Bldg. Tulsa 74103 446-5344 <i>582-1211</i></p> <p>For Donald Campbell <i>(died)</i> Frank D. McCown 817-335-8080 1702 Commerce Bldg., Ft. Worth, Tex. 76102</p> <p>William R. Burkett 239-6781 Suite 410 Fidelity Plaza Robert S. Kerr at Robinson Ok. City, Ok. 73102</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>11/1/74 (5-1-79)</i>	Clerk	9-27-74	Brett	15 00	15 00
J.S. 6 mailed <i>1-1-77 (2-1-80)</i>	Marshal	10-3-74	C/D #16		
Basis of Action: Suit on Contract and Note	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-27-74	1. Complaint, filed. Summons issued. hm	
10-10-74	Return on U.S. Marshals service, summons filed. Unable to serve Larry L. Boyles (reported served in Ft. Worth, Tex.); served W. M. (Pat) Boyles at Tulsa, OK, on 10-9-74 w/ fees of \$7.44; served W. M. (Pat) Boyles by serving Mrs. Sandra Boyles at Fort Worth, Tex., on 10-4-74 w/ fees of \$4.00; served Walter Melvin Boyles by serving F. Sanders, atty., at Ft. Worth, Tex., on 10-4-74 w/ fees of \$5.20; served Larry L. Boyles at Ft. Worth, Tex., on 10-3-74 w/ fees of \$4.00; served Sandra J. Boyles at Ft. Worth, Tex., on 10-4-74 w/ fees of \$11.92; served C. Harold Brown at Ft. Worth, Tex., on 10-3-74 w/ fees of \$4.00; served Sproesser Wynn at Ft. Worth, Tex., on 10-3-74 w/ fees of \$4.00; served Marcus Ginsburg by serving S. Harrell, atty., at Ft. Worth, Tx., on 10-3-74 w/ fees of \$4.00; Served George F. Christie at Ft. Worth, Tex., on 10-3-74 w/ fees of \$4.00; served Ernest E. Sanders by serving S. Harrell, atty., at Ft. Worth, Tx., on 10-3-74 w/ fees of \$4.00; served J. Olcott Phillips, Robt. D. Maddox, Robt. S. Newkirk, Atwood McDonald, & Fred A. Sanders all by serving S. Harrell at Ft. Worth, Tx. on 10-3-74 w/ fees of \$4.00 each; served Stanford Harrell at Ft. Worth, Tx., on 10-3-74 w/ fees of \$4.00.k	
10-23-74	2. Motion to dismiss and motion to transfer, of defs., filed. rm	
10-23-74	3. Appl. of def. for ext. of time to file brief in support of motions to dismiss and transfer, filed. rm <i>o to g</i>	
10-23-74	4. Order, fld, granting defts. until 10-29-74 to file brief. (JCS-CC)v	
10-29-74	5. Brief in Support of Defts.' Mots. to Dismiss & Mot. to Transfer, filed. v	
10-30-74	MO: It is ordered by the Court that Plaintiff is granted 10 days from this date to respond to Defts. Motion to Dismiss & Motion to Transfer filed 10-23-74. (AEB-J)v	
11-8-74	6. Appl. of pltf. for ext. of time to file response to def. mo/dismiss and mo/transfer, filed. rm <i>o to g</i>	
11-12-74	7. Order, filed granting pltf. til 11-19-74 to file response to mot. to dismiss & mot. to transfer. (AEB-J)k copies mailed	
11-13-74	8. Interrogatories to Defts., filed. v	
11-19-74	9. Appl. of Pltf. for additional time to file response to defts.' motion to dismiss & motion to transfer, filed. v (o)	
11-19-74	10. Order, filed, extending time for pltf. to respond to defts' mot. to dismiss and mot. to transfer to 12-9-74. (AEB-J)g <i>correct</i>	
12-9-74	11. Brief in Response to Brief of Defts. in Reference to Defts' motions to dismiss and motion to transfer, filed, with Affidavit of G. Douglas Fox. v	
12-10-74	12. APPLICATION for ext. of time to file answers to pltf's interrog. to deft, filed. lm <i>o to g</i> 10 days following Ct.'s ruling on Defts' Mot. Dismiss or	
12-11-74	13. Order, filed, that Deft. has until 12-13-74 to ans. Pltf's Interrogs. (AEB-J)y Transfer.	

copies null.

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DATE	PROCEEDINGS	Date Order or Judgment Noted
	14.	
12-20-74	Affidavit of Paul R. Chastain, Vice-Pres. of Kin-Ark, filed. b	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	
3-28-75	15. Order overruling in part defts' motions to dismiss, sustaining in part defts' motions to dismiss and overruling motion to transfer, filed and entered, sustaining motion to dismiss of defts. Brown, Wynn, Ginsberg, Christie, Sanders, Phillips, Maddox, Newkirk, Harrell, McDonald & Sanders; overruling motion to dismiss of defts. Sandra J. Boyles, W. M. (Pat) Boyles, Walter M. Boyles, Larry L. Boyles & Sandra J. Boyles; overruling mo/dismiss for failure to join an indispensable party in name of Edward Tomlins & Boyles-Delaware; overruling mo/dismiss first cause of action for lack of jurisdiction; and overruling motion to transfer. (HDC-J)hm (copies mailed)	
4-7-75	16. Applic. for additional time, filed. hm	
4-7-75	17. Order, filed, granting defts. Boyles, et al until 4-22-75 to file answer. (HDC-J)hm (copies mailed by counsel)	
4-17-75	18. Answers to pltf's interrogatories, filed. hm	
4-21-75	19. <u>Answer</u> of defs., Boyles, filed. rm	
6-10-75	MO: Case set for pre-trial 7-7-75 at 11:30 a-m. (HDC-J)hm	
6-12-75	20. Pltf's APPLICATION for TRO, filed. lm	
6-12-75	21. ORDER, filed, granting pltf's application for TRO. (AEB for HDCyJ)lm.	
6-16-75	MO: Case called for hearing on matter of TRO. Parties present. State-ments made. Court directs parties to confer, aiming toward agree-ment and compromise on matter in question. TRO to remain in effect as issued, and parties to report to Court by 12:00 noon on 6-17-75. Further hearing to be held if necessary. (HDC-J)hm	
6-16-75	22. Application for Leave to File Amendment to Comp int, filed. mm	
6-16-75	23. Brief in Support of Application for Leave to File Amendment to Complaint, filed. mm <i>o w j</i>	
	MO: IT IS ORDERED BY THE COURT THAT THE DEFENDANT FILE A RESPONSIVE BRIEF WITHIN 5 DAYS TO THE APPLICATION FOR LEAVE TO FILE AMENDMENT TO COMPLAINT. (HDC-J) mm	
6-18-75	24. Application for Leave to File Second Amendment to Complaint, filed. mm	
6-18-75	25. Brief in Support of Application to File Second Amendment to Complaint, filed. mm	
6-23-75	USM service of TRO, ret. & filed: served The First National Bank of Ft. Worth, Ellis Boyd, 6-12-75; served W. M. (Pat) Boyles, Tele-graph, Tx. 6-13-75. (USM \$39.44)g	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-30-75	MO: There being no objection by the defendants, it is ordered by the Court that the plaintiff is granted permission to file amendment to complaint and second amendment to complaint. (HDC-J)hm	
6-30-75	26. Amendment to complaint, filed. hm	
6-30-75	MO: Case set for further hearing on matter of TRO at 11:00 a.m. on 7-3-75. (HDC-J)hm (notice by phone)	
6-30-75	Plaintiffs Second Amendment to Complaint, filed. mm	
6-30-75	Reporter's Transcript of Proceedings had on June 16, 1975, Hearing on Matter of Temporary Restraining Order, filed. mm	
7-3-75	MO: Case called for further hearing on matter of TRO. Statements made. Pltf. offers exhibits B&D to complaint & transcript of proceedings had on 6-16-75. Court orders that request of pltf. to have stock deposited in Registry of Court be granted. Pltf's request for continuance of PT hearing granted, over no objection from deft. Deft. announces intention of filing of counterclaim. PT hearing to be reset on next PT docket after pleadings complete. Pltf. to prepare an agreed-to order on hearing within 5 days. (HDC-J)hm	
7-15-75	Reporter's Transcript of Proceedings had on 7-3-75, Further Hearing on Matter of TRO, filed. lm	
7-15-75	27. Order, filed, that certificates evidencing ownership of 45,000 shares of Kin-Ark remain with Registry of Ct. pending further order of this Ct.; further that pltf. is not waiving its right to possession of said stock. (HDC-J)rm-copies mailed	
7-21-75	29. APPLI. for additional time to file response to pltf's Second Amendment to Complaint, filed. lm (o to J)	
7-28-75	30. Order, filed, ext. time for def. to ans. pltf. 2nd amendment to complaint to 7/28/75.(HDC-J)rm - copies md.	
7-29-75	31. Answer to Amendment to Complaint and Second Amendment to Complaint, filed. lm	
8-4-75	32. Application for Leave to File Counterclaim of the Defendants, filed. mm	
8-4-75	33. Brief in Support of Application for Leave to File Counterclaim of the Defendants, filed. mm	
8-4-75	MO: It is ordered by the Court that the Plaintiff file a responsive brief within 10 days to the Application for Leave to File Counterclaim of the Defendants. (HDC-J) cps mld mm	
8-12-75	Reporters Transcript of Proceedings had on 7-3-75 --Further Hearing on Matter of TRO, filed. lm	
8-13-75	34. Appl. for additional time to file brief, fld. by Pltf. v (o)	
8-14-75	35. Order, filed, granting pltf. until 8-25-75 to file responsive brief to defts' appl. for leave to file counterclaim, filed. (HDC-J)g	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-25-75	36. Brief of Pltf. in opposition to application for leave to file counter-claim, filed. jj	
8-29-75	37. Deft's Reply Brief in Support of Application for Leave to File Counterclaim, filed. mm	
12-23	38. Order granting leave to file amended answer and counterclaim, filed. (HDC-J)g (Copies mailed)	
12-23	39. Amended answer and counterclaim, filed. g	
<u>1976</u>		
1-14	40. Pltf's appl. for ext of time to answer to counterclaim, filed. ph	
1-14	41. Order, filed, granting pltf. until 1-29-76 to file reply to counterclaim. (HDC-J)hm (copies mailed)	
1-21	42. Joint application, filed. hm	
1-21	43. Order, filed, directing Clerk to deliver to pltf. 45,000 shares of common stock of Kin-Ark Corp. (HDC-J)hm (copies mailed)(original order signed as receipt)	
1-29	44. Reply to Counter-Claim, fld. by Pltf. v	
2-4	MO: Case set for PT hearing 4-15-76 at 11:00 a.m. (HDC-J)hm	
2-25	45. Tender of Certificate of Deposit, filed. lm (check being held in walk-in safe)JCS	
3-2	46. Joint appl. of parties for order confirming sale of 45,000 shares of stock of Kin-Ark, filed. rm	
3-5	47. Order, filed, confirming sale of 45,000 shares of Kin-Ark stock, and directing the \$8,511.71 excess proceeds from sale returned to this Court by pltf. for further disposition. (HDC-J)g cp mld	
4-15	MO: Pre-trial hearing held. Statements made. Pltf. to file PT order this date. Parties to prepare stip. of facts and briefs by 7-23-76; reply briefs thereto by 8-18-76 if desired. Case set for non-jury trial 8-23-76 at 9:30 a.m. (HDC-J)hm	
4-16	48. Pre-trial order, filed. (HDC-J)hm	
4-19	Deposition of Walter Morton Boyles, on behalf of pltf., taken on 9/23/75 and 3/31/76, filed. rm (F.L. Peterson-CSR)(\$286.50 pd. by pltf.)	
5-27	49. Tender of certificate of deposit, filed. ph(check being held in walk-in safe)JCS	
7-8	50. Pltf's original Promissory Note in the sum of \$66,497.46, filed. ph	
7-15	51. Request for Production of Documents, fld. by Defts. W.M. (Pat) Boyles, et al. v	
7-26	52. Pltf.'s trial brief, fld. v	
7-27	53. Defs. trial memorandum, filed.rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1976		
8-2	54. Agreement of parties concerning facts, issues & documents, filed. rm	
8-13	-- Deposition subpoena, ret & filed: Served Pat H. Gillespie on 8-13-76 at Tulsa, OK. ph	
8-18	55. Defts' reply memo, filed. ph	
8-19	56. Pltf's resp. to defts' trial memo, filed. ph	
8-20	Depositions of Jack P. Revell taken on 8-11 & 12-76 (Frank L. Peterson-CSR) (\$298.50 fees); Paul R. Chastain taken on 8-13-76 (Donald R. Lindquist-CSR) (\$85.50 fees); and Donald L. Laden taken 8-13-76 (Donald R. Lindquist-CSR). (\$85.50 fees), filed.s	
8-25	Deposition of Pat H. Gillespie on behalf of pltf. taken on 8-17-76 before Frank L. Peterson, CSR, (\$12.00 fees), filed. lm	
8-25	MO: Case tried to the Court Aug. 23, 24 & 25. Parties announce ready. Opening statements made. Pltf. presents case in chief w/test. of witnesses & introduction of exhibits. Pltf. offers certain portions of deposition of Walter M. "Pat" Boyles as admission against interest. Pltf. rests. Deft's mo/dismissal denied in part, taken under advisement in part. Deft. presents case in chief w/test. of witnesses & introduction of exhibits. Deft. rests. Pltf. presents rebuttal evid. w/test. of witnesses & rests. Pltf's mo/dismiss deft's counterclaim overruled. Deft. presents sur-rebuttal evid. w/test. of witness & rests. Pltf's renewed motions for dismissal & for directed judgment overruled. Parties given until 9-10-76 to file any additional briefs, if desired, along w/suggested F/F & C/L; simultaneous responses to be filed 15 days thereafter. Case set for final arguments 9-17-76 at 1:30 p.m. (HDC-J)hm	
8-25	Trial exhibits, filed. (in exhibit room in box)hm	
9-8	57. Tender of Certificate of Deposit, fld. by Kin-Ark. v	
9-13	58. Pltf. suppl. trial brief, filed. rm	
9-13	59. Pltf. suggested FF/CL, filed. rm	
9-14	60. Defts' requested F/F and C/L, filed. ph	
9-14	61. Defts' brief in support of req. F/F and C/L, filed. ph	
9-16	MO: Case stricken from docket of 9-17-76 and reset for oral arguments for 9-24-76 at 11:00 a.m. (HDC-J)ph parties called. noticed mld.	
9-16	62. Pltf's resp. to deft's brief in support of requested F/F and C/L, filed. ph	
9-23	MO: Case stricken from oral arguments 9-24-76, to be reset. (HDC-J)hm	
9-24	63. Pltf's tender of Certificate of Deposit in the amt. of \$8,780.07, filed. ph	
10-26	64. Pltf's tender of certificate of deposit in amt. of \$8,816.65, filed.k (C/D in vault)	
11-1	MO: Case set for final arguments on 12-2-76 at 9:00 a.m. (HDC-J)ph notices mld.	
11-30	MO: Case reset for final arguments on 12-2-76 at 4:00 p.m. (HDC-J)hm (parties notified by phone)	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
12-2-76	Case called for closing arguments. Parties represented. Trial continues with closing arguments. Court takes ruling under advisement and will enter an order. (HDC-J)hm	
12-10	Tender of certificate of deposit of Kin-Ark Corp. in the amt. of \$8,871.00, filed. ph (CD in vault)	
12-30	Findings of Fact and Conclusions of law, filed. (HDC-J)hm (copies mailed)	
12-30	Judgment, filed and entered, that judgment be entered in favor of pltf. & against deft. W. M. (Pat) Boyles in amt. of \$27,771.81 on First Cause of action; that judgment be entered on pltf's second cause of action in favor of pltf. & against defts. W. M. (Pat) Boyles, Walter M. Boyles, Larry L. Boyles & Sandra J. Boyles on pltf's federal tax liability in amt. of \$32,354.00, etc.; that judgment be entered on pltf's third cause of action in favor of pltf. & against defts. W. M. (Pat) Boyles, Walter M. Boyles & Larry L. Boyles in amt. of \$106,145.00 for excess int., etc.; that judgment be entered in favor of pltf. & against defts. W. M. (Pat) Boyles, Walter M. Boyles, Larry L. Boyles & Sandra J. Boyles on defts' counterclaim; that pltf's claim for atty. fees will be set for hearing as shall be determined by the Court. (HDC-J)hm (copies mailed)	
1-4-77	MO: Case set for evid. hearing on award of atty's fees 3-3-77 at 1:30 p.m. (HDC-J)hm (notices mailed)	
1-10	Tender of certificate of deposit, filed.k (C.D. in walk-in safe)	
1-10	Defts' mo/new trial or amendment of judgment, filed. hm	
1-10	Brief in support of mo/new trial, filed. hm	
1-11	MO: Pltf. directed to file resp. brief within 10 days to defts' mo/new trial. (HDC-J)hm	
1-21	Pltf's brief in resp. to defts' motion for new trial or amendment of judgment.	
2-16	Pltf's appl. for Temporary Injunction, filed. ph	
2-16	Brief in support of pltf's appl. for Temp. Inj., filed. ph	
2-18	MO: It is ordered by the Court that the Deft. file a resp. brief within 10 days to the Plaintiff's Application for Temporary Inj. (HDC-J)ph cps mld	
2-28	Deft's response to applic. for temp. injunction, filed. hm	
3-3	Tender of certificate of deposit, fld. ho (C.D. in walk-in safe)	
3-3	Case called for evid. hearing on award of atty's fees. Statements made. Pltf's exhibits 1&2 introduced into evid. & Thomas R. Brett testifies (oath waived). Court denies atty. fees for pltf. on counterclaim. Deft. to submit brief on portion of atty. fees re interest within 7 days & the Court will then rule on that portion. Pltf's applic. for temp. inj. & defts' mo/new trial set 3-28-77 at 10:00 a.m. (HDC-J)hm	
3-3	Exhibits from hearing of this date, filed. (with file)hm	
3-3	Memorandum of authority in support of applic. for atty's fees, filed in open court. hm	
3-10	Deft's Exhibit w/respect to appl. for atty's fees in letter form, filed. ph	

DATE 1977	PROCEEDINGS	Date Order or Judgment Note
3-9	Ret of service of subpoena to produce, fld. served Ed Tomlins on 3-9-77 by Tom Dowdell. ho	
3-28	Hearing held on deft's mo/new trial and pltf's applic. for temp. inj. Statements made. Deft's motion for new trial overruled. Parties to confer re supersedeas bond & if agreement on amt. is reached, that may be included in order overruling mo/new trial, to be prepared by pltf. If parties cannot agree, Court will set for hearing, on issue of supersedeas bond. Court awards atty. fees to pltf. on note in amt. of \$1,363.71; said ruling to be included in pltf's prepared order for Court's approval. In re applic. for temp. injunction, pltf. to take further depos. & hearing on that issue set 6-2-77 at 10:00 a.m. (HDC-J)hm	
4-1	Tender of Cert. of Deposit of Jones, Givens, et al in amt. of \$9,004.11, filed. ph	
4-21	Order, filed, overruling motion for new trial; parties to confer re filing of supersedeas bond; pltf. awarded judgment for attys fees in amt of \$1,363.71; hearing on pltf's appl. for TRO is passed until 6-2-77 at 10:00 a.m. and pltf. is permitted to take oral depos. of defts. (HDC-J)ph cps mld	
5-18	Tender of cert. of deposit from Kin-Ark Corp. CD #1333 American Bank of Tulsa, dated May 5, 1977, in amt. of \$9,059.61, filed. ph	
5-20	Notice of appeal by defts. from Judg. of 12/30/76, filed.rm(copy to counsel and USCA)	
5-20	Bond for costs on appeal (\$250 surety), filed. rm	
5-24	Pltf's interrogs. to deft., Walter M. Boyles, filed. ph	
5-24	Pltf's interrogs. to deft. W. M. (Pat) Boyles, filed. ph	
5-24	Pltf's interrogs. to deft. Larry L. Boyles, filed. ph	
5-24	Pltf's interrogs. to deft. Sandra J. Boyles, filed. ph	
5-25-	Deposition of W. M. Pat Boyles, on behalf of pltf., taken on 5/11/77, filed. rm (DRLindquist-CSR) (\$79.50 pd. by pltf.)	
5-27	Bill of Costs, filed, w/hearing set at 10:00 a.m. on 6-7-77 before JCS, Clk. lm	
5-31	Deft.'s designation of partial transcript on appeal, filed.rm-copy to ct. reporter	
6-1	Motion of pltf. for order for appl. of property to satisfaction of judg., filed. rm	
6-1	Brief in support of pltf. mo/order for appl. of property, filed.rm	
6-2	Memo. agreement of counsel regarding deadline of 4/27/77 for filing supersedeas bond, filed. rm	
6-2	Hearing held on pltf's appl. for temporary inj. Statements made. Depos. of W. M. Pat Boyles and affidavit is admitted into evidence. Witness sworn and testifies. Exhibit admitted. Pltf's appl. for temp. inj. is sustained. Ct. issues restraining order of all non-exempt assets; defts. cannot sell assets without Court's approval. Ct. orders Kin-Ark Stock in amt to satisfy judgment shall be transferred to judg. creditor. Parties to file suggestions as to what prop. are needed to satisfy judg. by 6-30-77. Pltf. counsel to prepare order as to temp. inj and order shall also relate that money held by Clerk may be applied (Cont)	

KIN-ARK CORP. VS. W. M. PAT BOYLES, et al

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DATE 1977	PROCEEDINGS	Date Order or Judgment Noted
6-2	(Cont) to satisfaction of judgment(money of Pat Boyles). Hearing as to what assets shall be transferred, what prop. shall or shall not be exempt to sat. judgment is set for 7-6-77 at 10:00 a.m. (HDC-J)ph	be
6-2	MO: Ordered that cost hrg. set for 6-7-77 is stricken and reset for 6-14-77 at 10:00 a.m. (JCS-Clk) njb Parties telephoned.	
6-14	MO: Cost hrg. held before Clerk. Pltf. counsel present. Deft. counsel not present. Costs taxed in amt. of \$1,068.41 in favor of pltf. (JCS-Clk)rm	
6-20	Defts' resp. to proposed form of order re hearing held 6-2-77, filed. ph	
6-22	Order, fld. granting Defts. an ext. of time to file and docket appeal. (HDC-J) cps mld. ho	
6-29	Letter from 10th Circuit, assigning case No. 77-1457. rm	
6-30	Suggestions of pltf. for appl. of property to satisfaction of judgment, filed. ph	
6-30	Defts' suggestions concerning satisfaction of judgment, filed. ph	
7-5	Pltf's tender of CD in amt.of \$9,116.70, filed. ph	
7-5	MO: Case continued for hearing on transfer of assets until 7-8-77 at 3:00 p.m. (HDC-J)hm (parties phoned)	
7-8	Case called for hearing on transfer of assets. Statements made. Court orders that formal order on hearing of 6-2-77 be modified & Mr. Brett to prepare new order. Suggestions of pltf. for applic. of property to satisfy judgment are adopted by the Court & Mr. Brett to prepare order. Deft. to ans. interrog. by next week. Case set for further report on transfer of assets 10-14-77 at 1:30 p.m. Deft. tenders 5,177 shares of stock to pltf., over pltf's objections. (HDC-J)hm	
7-27	Order upon hearing appl. of property toward satisfaction of judgment re: hrg of 7-8-77 and 6-2-77; and that Court Clerk within 30 days and upon req. of pltf., Kin-Ark Corp., transfer to the pltf. that CD presently held by Clerk in partial satisfaction of pltf's judgment; further that matter be set for hrg on 10-14-77 at 1:30 p.m. for a report as to the satisfaction of this judgment and that TRO as issued by the Ct on 6-2-77 shall remain in full force and effect. (HDC-J)ph cps mld to movant (Brett)	
8-2	Reporter's transcript of pretrial hearing had on 2/15/76 and non-jury trial had on 8/23 and 8/24/76, filed. (2 vols., pp. 1-532) (Tom Bloxom-CR)rm	
8-12	Orig. appeal record (7 vols) transmitted to USCA. rm	
8-15	Ans. to interrogs. of deft. Sandra J. Boyles, filed. ph	
8-15	Ans. to interrogs. of W. M. (Pat) Boyles, filed. ph	
10-14	Further hearing held on transfer of assets. Parties represented & statements made. Deft. advised by the Court that he may file an applic. at any time he desires to be given relief from order of 7-27-77. (HDC-J)hm	
12-2	Pltf's notice of the taking of post-judgment depositions of W. M. Boyles, Walter M. Boyles and Larry L. Boyles at Dallas, TX, on 12-14-77 and 12-15-77, filed.k	
12-20	Entry of appearance of Locke, Purnell, Boren, Laney & Neely, as counsel for pltf., filed. hm	

DATE '77	PROCEEDINGS	Date Order or Judgment Note
	Kin-Ark v. Boyles	
12-21	Entry of Appearance of Andrew Barr and Nathan L. Hecht for Pltf., fld. v	
12-21	Notice of the taking of post-judgment depositions of Sandra J. Boyles, W. M. (Pat) Boyles, Walter M. Boyles, Larry L. Boyles, and Fort Worth Well Service, Inc., fld. v	
1978		
1-11	Notice of taking post-judgment depos. of Donald R. Campbell and is directed to bring documents described in Exhibit G on 1-24-78 at 9:30 a.m. at Fort Worth, Texas, filed. ph	
1-11	Notice of taking post-judgment depos. of Donald R. Campbell, Jr. and is directed to bring documents described in Exhibit "H" on 1-23-78 at Fort Worth, Texas, filed. ph	
5-8	Pltf's applic. for citation for contempt, filed. hm	
5-8	Contempt citation and notice of hearing, filed, setting hearing for 5-25-78 at 9:30 a.m. to show cause why a citation for contempt should not be issued. (HDC-J)ph cps picked up by pltf. counsel	
5-22	Contempt Citation, ret & filed: Served W. M. (Pat) Boyles at Fort Worth, Texas on 5-11-78. (USM \$4.60)ph	
5-24	Deposition of Donald R. Campbell, filed, taken for pltf. on 1-23-78.hm	
5-25	MO: Case called for hrg. on pltf's applic. for citation for contempt. Parties represented. Statements made. Deft's witness sworn & testifies: Walter Horton Boyles. Pltf. offers depos. of Donald R. Campbell & it is admitted. Parties rest. Final statements made. Court finds deft. in contempt & that he has violated the order of Court of 6-2-77. Court grants deft. 30 days to purge himself of contemptuous conduct & within said 30 days, if Mr. Campbell has reconveyed subject property to deft. & placed it in same status as it was prior to Sept., 1977, the Court will consider that deft. has purged himself of contemptuous conduct. Hrg. on contempt for purpose of ascertaining whether deft. has purged himself is set 6-23 at 2:00 P.M. & deft. must have purged himself prior to hrg. Deft. allowed to substitute copies of exhibits for originals. Pltf. to prepare order on hearing. (HDC-J)hm	
5-25	Exhibits from hrg. this date, filed. (with file)hm	
6-12	Order re hearing for contempt citation, filed. (HDC-J)ph cps mld	
6-16	Motion of pltf. for order for appl. of property to satisfy judg., filed.rm	
6-16	Brief in support of mo/appl. of property, filed. rm	
6-16	MO: Defts. ordered to file resp. brief to mo/order for applic. of property to satisfy judgment by 6-22-78. (HDC-J)hm (letter written)	
6-21	Defts' response to motion for order for appl. of property to satisfaction of judgment, filed. ph	
6-22	MO: Case stricken from contempt hearing of 6-23-78 and <u>RESET FOR HEARING ON JUNE 30, 1978 at 4:00 P.M.</u> (HDC-J)ph parties called & notices mld	
6-23	Reporter's Transcript of proceedings had on 5-25-78, Hearing, fld.ra	
6-28	Deposition of Perry Henson, taken for pltf. on 4/5/78, filed. (Gloria Carlin, RPR)rm	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. 74-C-389-C
Kin-Ark Corp.		W. M. (Pat) Boyles	PAGE 11 OF 6 PAGES
DATE	NR.	PROCEEDINGS	
1978 6-29	---	Reply brief to pltf. mo/appl. of property to satisfaction of judg., filed. rm	
6-30		Suppl. brief in support of pltf's mot. for application of property to satisfaction of judgment, filed. g	
6-30		Case called for hearing on contempt of deft. Boyles & pltf's mo/order for applic. of property to satisfy judgment. Statements made as to pltf's motion. Pltf's exhibits admitted into evid. Deft's exhibits admitted into evid. Ruling on pltf's mo/order for applic. of property to satisfy judgment taken under advisement. Deft. given until 7-5 to respond to pltf's suppl. brief & pltf. until 7-10 to reply, if desired. Hearing on contempt of Mr. Boyles held. Deft's witness sworn: W. M. Pat Boyles. Final arguments made. Mr. Campbell and Mr. Boyles ordered to appear at hrg. to show cause why they should not be held in contempt & said hrg. set at 10:30 a.m. 7-28-78. Pltf. counsel to prepare show cause order. (HDC-J)hm	
7-3		Order upon hearing contempt citation and upon pltf's mot. for applic of property towards satis. of judgement, fld. Ordered that pltf's mot. be taken under advisement and that deft. be granted until 7-5-78 to resp. and that pltf. be granted until 7-10-78 to resp. <u>HRG ON CONTEMPT CITATION CONT. UNTIL 7-28-78 at 10:30 a.m.</u> (HDC-J)ra	
7-3		Order to appear and show cause why contempt citation should not be issued against Donald R. Campbell, fld. (HDC-J) ra. summons issued.	
7-5		Suppl. reply brief to pltf's mot. for applic. of property to satis. of judgement, fld. ra	
7-10		Pltf's resp. to deft's suppl. brief in resp. to pltf's mot/applic of property to satis. of judgement, fld. ra	
7-20		USM return on service of order to show cause, fld: served Donald R. Campbell at office of USM, Ft. Worth, Tx. on 7-12-78. (USM \$4.)g	
7-28		Deft. Boyles applic. to sell non-exempt assets free of restraining order, filed. hm	
7-28		Depo. of Walter Morton Boyles, taken on behalf of pltf. on 1-18-78 before Gloria Carlin, RPR, fld.ra	
7-28		Special appearance, obj. to jurisdiction, and mot/dismiss of respondent Donald R. Campbell, fld, w/brief in support. ra	
7-28	MO:	Hrg. held on contempt citation and pending motions. Parties represented. Frank D. McCown, John Estes & Nathan L. Hecht admitted for purposes of this case. Oath administered. Counsel for Donald R. Campbell's motion for Court to enter an injunction against Campbell from selling certain properties granted. Mr. McCown to prepare written order to reflect order as proposed. /Citation for contempt on Mr. Campbell is dissolved by Court. Pltf's motion for applic. of property to satisfaction of judgment TO BE RESET. Deft. Boyles' applic. to sell non-exempt assets free of restraining order WITHDRAWN AND MOOT; Donald R. Campbell's objection to jurisdiction and motion to dismiss MOOT. Pltf. given 10 days to file applic. for reimbursement of costs against deft. Boyles; deft. 10 days thereafter to respond. (HDC-J)hm	

PLAINTIFF		DEFENDANT	DOCKET NO. 74-C-389-C PAGE 12 OF 6 PAGES
DATE	NR.	PROCEEDINGS	
8-7-78 8-7		Pltf's applic. to assess atty's fees, filed. hm Pltf's brief in support of applic. to assess atty's fees & costs, filed. hm	
8-9	--	Reporter's transcript of proceedings had on 7-28-78 (show cause hrg), fld. (51 pages)(TGB-CR)ra	
8-14		Order for permanent injunction against Donald R. Campbell and order dissolving show cause notice why contempt citation should not be entered against Donald R. Campbell, fld. (HDC-J)ra. cps mld	
8-31	---	Deft. W.M. (Pat) Boyles applic/ext. of time to resp. to pltf's applic. to assess fees and costs, fld. ra (O to J as part of applic)	
9-5		Order, fld, granting deft. W.M. (Pat) Boyles an ext of time until 9-15-78 to file resp. to pltf's applic/assess fees & costs.(HDC-J)ra cps to movant	
9-26		Pltf's amended applic. to assess atty. fees, fld.ra	
9-27		Reporter's transcript of proceedings had on 6-30-78 (Hearing), fld. (TGB-RPR)(41 pages)ra	
9-29	MO:	Ordered that deft. file a resp. brief on or before 10-12-78 to pltf's amended applic/assess atty. fees.(HDC-J)ra cps mld	
10-4		Application of Donald R. Campbell for approval of property sale, filed. hm (O to J)	
10-5		Order, fld. It is ordered that said sale be approved & Donald R. Campbell is authorized to execute a general warranty deed to convey the property as per contract of sale subject to this Ct. approval, & the Ct. hereby approves said contract of sale as executed on 9-20-78. (HDC-J)ho c/m	
12-1	--	Resp. of deft. W.M. Boyles to amended applic/assess atty fees, fld.ra	
1979 1-3	MO:	CASE SET FOR HRG. ON PLTF'S MO/APPLIC. OF PROPERTY TO SATISFY JUDGMENT, MATTER OF CONTEMPT CITATION AGAINST DEFT. W. M. PAT BOYLES AND PLTF'S APPLIC. TO ASSESS ATTY'S FEES 3-2-79 at 11:00 a.m.(HDC-J)hm (ntc. mld.)	
1-22		Suggestions of death upon the record under R. 25(a)(1), FRCP, filed.hm	
3-1	MO:	CASE STRICKEN FROM HRG. ON 3-2-79, to be reset. (HDC-J)hm (parties phoned)	
4-5	----	Mandate and opinion of 10th Circuit, filed and spread of record, reversing cause insofar as it allows Kin-Ark \$27,771.81 unpaid int. on its 1st Cause of Action and denies Boyles usury penalties and attorney fees. Otherwise, judg. is affirmed. Cause is remanded for further proceedings in accordance with opinion of 10th Circuit; each party to bear its own costs. rm	
4-9-79	--	Appeal record (6 vols) received from 10th Circuit. rm	
4-11	MO:	Case set for hrg. on Pltf's mo/applic. of property to satisfy judgment, matter of contempt citation against deft. W.M. Pat Boyles & pltf's applic to assess atty fees on 4-26-79, at 11:00 A.M.(HDC-J)b nts mld	

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Kin-Ark Corp.		W. M. (Pat) Boyles, et al	PAGE 13 OF 7 PAGES
DATE	NR.	PROCEEDINGS	
1979			
4-23		Appl. for award of attys. fees in amt. of \$13,528.50 filed by deft. Pat Boyles & his attys.k	
4-25	MO	Pltf. is ordered to file a responsive brief by 5-8-79 to deft. Pat Boyles' appl. for award of atty's fees. <u>FURTHER ORDERED THAT THE HRG. SET FOR 4-26-79 AT 11:00 A.M. on pltf's mot. for application of property to satisfy judgment, matter of contempt citation against deft. W. M. Pat Boyles & on pltf's appl. to assess atty's fees IS STRICKEN, TO BE RESET.</u> (HDC-J)k cps mld <i>set by phone to Edmundo Lewis & Associates</i>	
5/8	--	RESPONSE re deft's appl. for award of attys. fees. v	
6-7	MO:	HRG set 7-30-79, 9:30 A.M., on Pltf's mo/order for applic of property to satisfy judgment; matter of contempt citation against deft Boyles; pltf's applic to assess atty fees; pltf's amended applic to assess atty fees; applic of Boyles to award atty fees. (HDC-J) b nts mld	
7-17		APPLICATION of pltf to strike case from motion docket.ra (0)	
7-18		ORDER continuing hrg. from 7-30-79. (HDC-J)g c/m	
8-16	MO:	HRG. SET on pltf's mot/order for applic of property to satisfy judg.; matter of contempt citation against deft Boyles; Pltf's applic to assess atty fees; pltf's amended applic. to assess atty fees; applic of Boyles to award atty fees, on 10-19-79, 9:00 A.M. (HDC-J)b nts mld	
10-19	MO:	HEARING HELD on pending matters. Deft. states deft. has filed Chap. XI bkcy. proceedings in Texas. Pltf's applic/assess atty's fees & amended applic/assess atty's fees sustained & pltf. granted \$5,212.59 in atty. fees; deft's mo/atty's fees granted & deft. counsel granted \$2,500 in atty's fees. Court defers ruling on pltf's mo/order for applic. of property to satisfy judgment, pending Judge Mahon's ruling No. Dist. of Texas. Court finds that deft. Boyles has purged himself of contempt. Parties to confer & prepare amended judgment & pltf. to prepare formal order. (HDC-J)hm	
10-29		ORDER that pltf. is awarded \$4,332.00 as attys fees for contemptuous conduct of deft. W. M. (Pat) Boyles and \$880.59 as costs; further, deft. attys. of record, Doerner, Stuart, Saunders, Daniel & Anderson are awarded attys. fees from the pltf. in amt. of \$2,500.00; further, pltf's appl. for transfer of property in partial satisfaction of judg. is deferred for ruling until decision of Judge Mahon, USDC, NDTx, on question of homestead; further, that deft. W. M. Boyles has purged himself of willful, indirect contempt of this Court's orders. Entered. (HDC-J)k c/m	
1980			
1-23		AMENDED JUDGMENT, entered, It is ordered that Judgment be entered for the Pltf. Kin-Ark Corp. & against the Deft. W.M. (Pat) Boyles, for interest on loans to him prior to 11-14-72 in the	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1980	NR.	PROCEEDINGS	
1-23	cont.	amt. of \$9,815.00 & for interest thereon at the rate of 8-1/2% per annum from 11-14-72 to date of judgment in the sum of \$3,172.00 & that judgment be entered for the Deft. W. M. (Pat) Boyles, & against the Pltf. on Pltfs. claim for addl. interest of \$13,631.70 be & the same is hereby forfeited pursuant to Texas Law & that the Deft. W. M. (Pat) Boyles be granted a statutory penalty against the Pltf. in the sum of \$40,709.90 the same being twice the amt. of interest charged, collected or recieved on the note dated 11-14-72. It is further ordered that the award of statutory penalty in favor of the Deft. W. M. (Pat) Boyles, shall be set-off as against the total judgment due & owing the Pltf. Kin-Ark Corp. by the Deft. W. M. (Pat) Boyles. (HDC-J)ho c/m	
1-23		RELEASE & SATISFACTION OF JUDGMENT, re: judgment of Doerner, Stuart, Saunders, Daniel & Anderson against Kin Ark Corp. ho	
7-11-80		DEPOSITIONS returned to parties. hm	
1-14-81		EXHIBITS returned to respective parties.am	
12-21	--	RELEASE and satisfaction of judgment. hm	
7-28-82	--	DEPOSITION returned to pltf. counsel. hm	
<u>1983</u> 3-4	--	EXHIBITS returned to counsel. hm	